

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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STARLYN PANIAGUA,

Plaintiff,

- against -

IME LOGISTICS, LLC, YOUSSEF WALID
MOHAMED and MELISSA SUE YOUSSEF,

Defendants.
-----X

Civil Action number: 1:22-cv-04249

NOTICE OF REMOVAL

TO: UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

PLEASE TAKE NOTICE that Defendants IME LOGISTICS, LLC, YOUSSEF WALID MOHAMED and MELISSA SUE YOUSSEF, remove this matter from the Supreme Court of the State of New York, County of Bronx, where it is now pending to the United States District Court of the Southern District of New York pursuant to 28 U.S.C. §§ 1332 and 1441.

Dated: New York, New York
May 24, 2022

Yours etc.,

GALLO VITUCCI KLAR LLP



By: Bryan T. Schwartz, Esq.
Attorneys for Defendants
IME LOGISTICS, LLC, YOUSSEF WALID
MOHAMED and MELISSA SUE YOUSSEF
90 Broad Street, Suite 1202
New York, New York 10004
(646) 998-1962

TO: **VIA ECF**

GOIDEL & SIEGEL, LLP
Attorneys for Plaintiff
STARLYN PANIAGUA
56 West 45th Street – 3rd Floor
New York, New York 10036
(212) 840-3737

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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STARLYN PANIAGUA,

Plaintiff,

- against -

IME LOGISTICS, LLC, YOUSSEF WALID
MOHAMED and MELISSA SUE YOUSSEF,

Defendants.
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Civil Action number: 1:22-cv-04249

PETITION FOR REMOVAL

TO: JUDGES OF THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK

The Petition of Bryan T. Schwartz respectfully shows as follows:

1. That the undersigned are counsel for the defendants IME LOGISTICS, LLC, YOUSSEF WALID MOHAMED and MELISSA SUE YOUSSEF hereby remove the civil action entitled Starlyn Paniagua v. IME Logistics, LLC, Youssef Walid Mohamed And Melissa Sue Youssef, which is currently pending in the Supreme Court of the State of New York, County of Bronx under Index Number 806116/2022, to the United States District Court of the Southern District of New York pursuant to 28 U.S.C. §§ 1332 and 1441 and 1447(b).

2. This action was commenced by the filing of a Summons and Complaint on April 20, 2022. Issue was joined by the service of a Verified Answer on behalf of Defendants on May 16, 2022. See copies of the Summons and Complaint and Answers are respectively annexed hereto as **Exhibit A** and **Exhibit B**.

3. That the cause of action as set forth in the Complaint seeks money damages for wrongful death and personal injuries.

4. In the Complaint, Plaintiff seeks to recover damages for injuries allegedly sustained in a motor vehicle accident that occurred on July 22, 2021 at approximately 1:00 A.M. on northbound Bronx River Avenue, Bronx, New York, at and around the intersection with Westchester Avenue (See **Exhibit A** at ¶12)

5. Plaintiff is a resident of the State of New York with a primary residence in Bronx County. (See **Exhibit A** at ¶1)

6. IME Logistics, LLC ("IME") is a Texas limited liability company organized and existing by virtue of the laws of the State of Texas, with a primary place of business and nerve center located in Irving Texas. The only two members of the Limited Liability Company are: Muna Osman and Waleed Abdelmageed

7. Both Muna Osman and Waleed Abdelmageed are residents of the State of Texas.

8. While the complaint states that Youssef Walid Mohamed and Melissa Sue Youssef currently also reside at Irving Texas (See **Exhibit A** at ¶¶3, 4), this is not true. At the time of commencement, and currently, Youssef Walid Mohamed and Melissa Sue Youssef lived/live in Peoria, Arizona.

9. The Summons and Complaint did not contain a statement of damages, pursuant to N.Y. C.P.L.R. § 3017. Accordingly, the thirty day deadline did not begin upon the filing of the Complaint. See 28 U.S.C. §1446(b)(3).

10. On May 23, 2022, Your Affirmant had a discussion with the plaintiff's counsel where counsel made a settlement demand of \$250,000 to resolve this case. The demand was memorialized and acknowledged by counsel in an email exchange which is annexed hereto as **Exhibit C**.

11. That this action may be removed to this Court by the defendants pursuant to 28 U.S.C. § 1441(c) since Plaintiffs' action is a civil action where the amount in controversy exceeds the sum of \$75,000 exclusive of interest and costs and is between citizens of different states.

12. As the citizenship amongst the defendants and the plaintiffs establish complete diversity of citizenship and the amount in controversy exceeds the sum of \$75,000 exclusive of costs and interest, Defendants IME Logistics, LLC, Youssef Walid Mohamed And Melissa Sue Youssef respectfully remove this action from the Supreme Court of the State of New York County of Bronx to the United States District Court for the Southern District of New York.

WHEREFORE, Defendants respectfully request that the action now pending against them in the Supreme Court of the State of New York, County of Bronx be removed therefrom to this Court.

Dated: New York, New York
May 24, 2022

Yours etc.,

GALLO VITUCCI KLAR LLP



By: Bryan T. Schwartz, Esq.
Attorneys for Defendants
IME LOGISTICS, LLC, YOUSSEF WALID
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